

APPEAL HEARING MINUTES

1. **Kind of meeting:** Appeal Hearings

2. **Date:** June 2, 2016 **Place:** Hearings Room

3. **Present:** Jeff Painter, J. Napier, Christopher Curtis, Henry Marsh, SAAG Kristina Alexander, Pam Boggs, Travis Hill, Melissa Custis & Kristie Miles

- 2:05 p.m. - Hearing was called to order
 - Charm'd Restaurant & Lounge- Sharminese D. Casey Owner
 - The Italian Job – Carlos Ayala, Owner
 - India Palace Bar & Grill – Abhay Bhardwaj, President
 - Fifth Street Shell – Larry Beasley, part Owner
- 2:36 p.m. - Approved and Adopted Board Orders for Board Minutes for May 2016; H. Marsh motioned, J. Napier, seconded and the motion passed unanimously.
- 2:40 p.m. - Closed session - With no further cases J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; J. Napier seconded the motion and the Board unanimously (Painter, J. Napier, Marsh) voted to go into closed session Attendance at closed session was J. Painter, J. Napier, C. Curtis, H. Marsh, SAAG K. Alexander, and P. Boggs, AAG J. Flaherty, and E. Mitchell, intern with the Attorney General's office.
- 3:55 p.m. - J. Painter made a motion to return to open session, H. Marsh seconded the motion and the Board voted unanimously (Painter, Napier, Marsh) to go back into open session. The Board then certified by voice vote (Painter, Napier, Marsh, Curtis) that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
- From the June 2, 2016, docket these cases were discussed:
 - In the matter of: Charm'd Restaurant & Lounge – J. Painter moved to accept the additional evidence; H. Marsh seconded and the motion was passed unanimously. J. Painter motioned to substantiate the charge but, modify the initial decision dated March 11, 2016; The privileges of purchasing and selling mixed beverages granted by the license is suspended for ten (10) days; provided, however, that upon payment of one thousand five hundred dollars (\$1500.00) the suspension shall be terminated; H. Marsh seconded and the motion was passed unanimously.
 - In the matter of: The Italian Job – J. Painter motioned to substantiate the charge and uphold the initial decision dated March 29, 2016; the decision was the privileges of purchasing and selling mixed beverages granted by the license is suspended for twenty-five (25) days; provided, however, that upon payment of one thousand dollars (\$1000.00) the suspension shall be terminated at the end of ten (10) days; H. Marsh seconded and the motion was passed unanimously.
 - In the matter of: India Palace Bar & Grill – J. Painter moved to accept the additional evidence; H. Marsh seconded and the motion was passed unanimously. J. Painter motioned to substantiate the charge but, modify the initial decision dated April 5, 2016; The privileges of purchasing and selling mixed beverages granted by the license is suspended for ten (10) days; provided, however, that upon payment of one thousand dollars (\$1000.00) the suspension shall be terminated; H. Marsh seconded and the motion was passed unanimously.
 - In the matter of: Fifth Street Shell – J. Napier motioned to substantiate the charge and adopt the decision of the hearing officer. The privileges of purchasing and selling alcoholic beverages

shall be suspended for 30 days, provided however that upon payment of \$3000 as a civil penalty the suspension shall be terminated at the end of 10 days.

However, the licensee may opt to send all employees involved in the sale and service of alcohol to RSVP training within 12 months of the order in which case, the privileges of purchasing and selling alcoholic beverages shall be suspended for 30 days, provided however that upon payment of \$4000 as a civil penalty the suspension shall be terminated. H. Marsh seconded and the motion was passed unanimously.

- From the May 17, 2016, docket these cases were discussed:
 - In the matter of: New Season Restaurant - J. Painter motioned to substantiate the charge and uphold the initial decision dated March 22, 2016; the decision was the privileges of purchasing and selling mixed beverages granted by the license is suspended for ten (10) days; provided, however, that upon payment of one thousand five hundred dollars (\$1500.00) the suspension shall be terminated at the end of five (5) days; C. Curtis seconded and the motion was passed unanimously.
 - In the matter of: RJ's Restaurant and Sports Pub - J. Painter motioned to substantiate the charge and uphold the initial decision dated February 4, 2016, to revoke the Mixed Beverage Restaurant license, H. Marsh seconded and the motion was passed unanimously.
 - In the matter of: Hunting Hills Food and Beverage Operations - C. Curtis motioned to adopt the initial decision of the hearing officer dated February 23, 2016; J. Painter seconded and the motion was carried unanimously. The decision was to deny the licenses.
 - In the matter of: Waterford at Springfield - C. Curtis motioned to substantiate the charge but modify the penalty of the initial decision dated March 22, 2016; the decision was the privileges of purchasing and selling alcoholic beverages granted by the license is suspended for ten (10) days; provided, however, that upon payment of five hundred dollars (\$500.00) (\$250.00 each license) the suspension shall be terminated; H. Marsh seconded and the motion was passed unanimously.
- From the May 3, 2016, docket this case was discussed:
 - In the matter of: King Pinz - J. Painter motioned to substantiate the charge and uphold the initial decision dated February 18, 2016; the decision was the privileges of purchasing and selling alcoholic beverages granted by the license is suspended for forty five (45) days; provided, however, that upon payment of five thousand dollars (\$5000.00) (\$2500.00 each license) the suspension shall be terminated at the end of twenty-five (25) days; H. Marsh seconded and the motion was passed unanimously.
- 4:00 p.m. – With no further business – J. Painter moved to adjourn for the day, H. Marsh – seconded the motion and the motion was passed unanimously.